

REMARKS

Reconsideration of this application in light of the present amendments and remarks is specifically requested. In the outstanding office action, claims 1-10 were pending in the application. Claims 1-10 were rejected.

In response to the office action, claims 1, 3-5 and 7-10 were amended. Claims 2 and 6 remain unchanged. New claim 11-23 have been added. Therefore claims, 1-23 are currently pending in the application.

Objection to the drawings:

In response to the objection to the drawings as being informal (i.e. requiring to be typed), Applicants submit herein formal drawing replacement sheets 1 and 2 for FIGs. 1 and 2, replacing identically numbered FIGs. 1 and 2.

Rejection of claims 1-10 under 35 U.S.C. 112 first paragraph:

In response to the rejection of claims 1-10 under 35 USC 112 first paragraph, claims 1, 3, 5, 7 and 8 have been amended to include “at an access point”. Support for this amendment can be found in page 2 lines 24-27 and page 3 line 27 through page 4 line 6 of the Applicants’ originally filed specification. Further, Applicants have copied the verbiage of independent Claims 1, 8, and 11 into Applicants’ specification for further clarification.

Rejection of claims 1-10 under 35 U.S.C. §102 (e) as being anticipated by Lansford et al (US Publication No. 20030178984):

Applicants respectfully traverse the rejection of claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by Lansford as herein amended.

MPEP § 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that Lansford et al (US Publication No. 20030178984) does not anticipate, either expressly or inherently, each and every element as set forth in independent Claim(s) 1-10. Specifically, independent Claims 1 and 8 as herein amended requires "at an access point.....temporarily ceasing the step of ceasing the step of communicating with devices operating at the second frequency to initiate a contention free period at the second frequency, switch from the second frequency to the first frequency, initiate another contention free period at the first frequency, and switch from the first frequency back to the second frequency." Applicants submit that amended independent claims 1 and 8 require an access point (Device A) to communicate one way to devices (Device B or Device C) when the access point (Device A) hops between frequencies. (i.e. upon hopping frequencies, the access point (Device A) doesn't allow communication to occur with each other until the access point (Device A) specifies a time when mutual communication may occur.) See Applicants' specification, line 24 of page 3 through line 6 of page 4.

In contrast, Lansford describes that each time Device A hops between frequencies communication is always ".....with each other", as stated in para [0032] of Lansford. In Lansford, each time Device A hops frequencies, there is some form of mutual communication (i.e. "...with each other") between Devices A and B or Devices A and C. Lansford states that

after Devices A and Device C hop to the same frequency (see para [0031] of Lansford), that they “...communicate with each other” (see para [0032] of Lansford). Further, in para [0033], Lansford states that “Device A hops back to the block frequency at which device B is operating, again allowing Devices A and B to communicate with each other”. However, with reference to Applicants independent claims 1 and 8, when device A hops between frequencies, mutual communication doesn’t necessarily occur between Devices A and B or Devices A and C.

Lansford further states in para [0015] that “after the contention period has ended, the controller again operates at the first hopping frequency.” (i.e. in Lansford, the contention period is always ended upon switching to a new frequency, so that Device A and Device B can “...communicate with each other”; and Device A and Device C can “...communicate with each other”). In contrast, amended independent claims 1 and 8 require that when the access point switches frequencies (e.g. switches from frequency two to frequency one), a contention free period is initiated on frequency one and not ended on frequency one before switching back to frequency two again. Therefore, Applicants respectfully submit that Lansford does not anticipate the independent claims 1 and 8 as herein amended.

In view thereof, Applicants respectfully request reconsideration of the rejection of claims 1 and 8 as herein amended. Claims 2-7 and 9-10 contain further limitations of independent claims 1 and 8, respectively which claims were shown to be allowable above. Applicants respectfully submit that claims 1-10 are in proper condition for allowance and request that claims 1-10 may now be passed to allowance.

In addition, Applicants submit that claims 9 and 10 are independently patentable because they include limitations not taught or suggested by the cited reference. Page 7 of the Office Action states that Lansford teaches the step of “transmitting multicast data to subscribers” in para [0012] of Lansford publication. Applicants respectfully disagrees with the interpretation of the Office Action since Lansford, in para [0012], describes that communication between controller and electronic devices at respective hopping frequency is possible. Applicants submit that this is not equivalent to “transmitting multicast data to subscribers” as required by dependent claims 9

and 10. Therefore Applicants submit that Lansford does not teach or suggest the limitation of “transmitting multicast data to subscribers” as required by dependent claims 9 and 10. In view thereof, Applicants submit that claims 9 and 10 are independently patentable.

New Claims:

Applicants have herein added new claims 11-23. Independent claim 11 is basically a combination of claims 8, 9 and 10 which claims were shown to be allowable above. Claims 12-23 have been added to clarify Applicants’ invention to require that the access point initiates a distributed coordinated function mode prior to communicating with devices operating in respective frequencies. Support for claims 12-23 can be found in lines 1-6, page 4 of Applicants’ originally filed specification. Consequently, claims 11-23 does not introduce any new matter into the specification. Therefore, Applicants respectfully submit that claims 11-23 are in proper condition for allowance and request that claims 11-23 may now be passed to allowance.

Except for the amendments discussed in detail above, all the other claim amendments contained herein were made to clarify the subject matter of the claimed invention, change claim dependency, correct typographical errors and minor informalities, make dependent claims consistent with amended independent or intervening claims, or broaden the scope of the present invention.

The other references of record have been reviewed and Applicants’ invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, or in the event that the Examiner deems the present application non-allowable, a telephone call to the undersigned at (954) 723-6449 is respectfully solicited.

Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 502117.

Respectfully submitted,

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